



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Discount Machinery & Equipment, Inc.

File: B-233541

Date: February 14, 1989

DIGEST

Protest to the General Accounting Office filed more than 10 working days after notice of initial adverse agency action on its agency-level protest is untimely.

DECISION

Discount Machinery & Equipment, Inc. protests the rejection of its bid as nonresponsive under invitation for bids (IFB) No. 4577, issued by the Federal Bureau of Investigation.

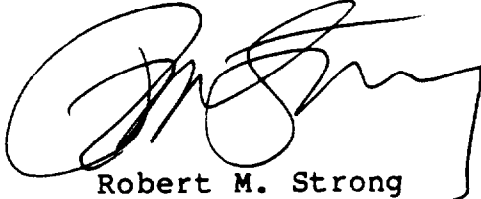
The record shows that Discount filed an agency-level protest against the rejection of its bid on October 14, 1988. On October 18, the contracting officer denied this protest in a telephone conversation with Discount. The agency's denial of Discount's protest was confirmed in writing by letter dated October 18. Discount filed its protest with our Office by letter dated October 24, received by our Office on November 9.

Under our Bid Protest Regulations, if a protest has been filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days of notice of initial adverse agency action. 4 C.F.R. § 21.2(a)(3)(1988).

044635/137964

Here, Discount's agency-level protest was denied on October 18, but Discount did not file its subsequent protest within 10 working days of that date.1/

We dismiss the protest.

A handwritten signature in black ink, appearing to read 'R. Strong', with a large, stylized initial 'R'.

Robert M. Strong
Associate General Counsel

1/ The complete chronology relating to the filing of the agency-level protest and its denial by the agency was provided to our Office in the agency report. The protester has not rebutted this chronology.